UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/C.5/48/36
16 December 1993

ORIGINAL: ENGLISH

Forty-eighth session
FIFTH COMMITTEE
Agenda item 159

FINANCING OF THE INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE 1991

Conditions of service and allowances of the Members of the International Tribunal

Report of the Secretary-General

1. The Security Council, acting under Chapter VII of the Charter of the United Nations, by its resolution 827 (1993) of 25 May 1993, decided to establish the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and adopted its Statute.

2. The General Assembly, by its resolution 47/235 of 14 September 1993, among other things, requested the Secretary-General to submit during the forty-eighth session of the General Assembly and before 31 December 1993, detailed cost estimates for the Tribunal, separate from the proposed programme budget for the biennium 1994-1995, to be financed through assessed contributions and, pending a final decision on the manner of the apportionment of expenses of the International Tribunal, to finance its activities through a separate account outside the regular budget.

3. Prior to the adoption of resolution 47/235, the Advisory Committee on Administrative and Budgetary Questions (ACABQ) requested the Secretary-General to submit a report to the Assembly at its forty-eighth session on the requirements of the Tribunal. 1/ The report, inter alia, was to provide detailed justification of the number of posts and their grade level, as well as the allowances of the judges of the Tribunal.

4. The present report has been prepared further to resolution 47/235, with respect to the request of the Advisory Committee regarding the conditions of service and allowances of members of the International Tribunal.

5. Article 13, paragraph 4, of the Statute of the Tribunal, 2/ adopted by the Security Council, states that the judges of the Tribunal shall be elected for a term of four years, that the terms and conditions of service shall be those of the judges of the International Court of Justice and that they shall be eligible for re-election.

6. On the basis of the report of the Secretary-General 3/ and recommendations made thereon by the Advisory Committee, 4/ the conditions of service for members of the International Court of Justice were reviewed by the General Assembly at its forty-fifth session. Further to General Assembly resolution 45/250 A of 21 December 1990, revisions in the emoluments of members of the Court were effected as of 1 January 1991. The Secretary-General consequently would propose that these conditions of service be applied to the judges of the Tribunal in addition to those set out in General Assembly resolution 37/240 of 21 December 1982 regarding travel and subsistence. The General Assembly, at its forty-eighth session, is scheduled to review the conditions of service of the members of the International Court of Justice.

7. If this approach were to be adopted, judges of the Tribunal would receive an annual salary of $145,000. Should the Tribunal be established at The Hague, the system of floor/ceiling measures applicable for members of the Court should apply also to members of the Tribunal. Judges would give up all remunerated occupations for the duration of their judgeship. The special allowance applicable to the President of the Court or to the Vice-President when acting as President of the Court would also apply to the President and Vice-President of the Tribunal. The provisions for reimbursement of the costs of educating children would also apply to members of the Tribunal.

8. With regard to pension entitlements, the literal application of article 13 of the Statute of the International Tribunal would create a situation in which a member of the Tribunal would have to serve nine years in order to qualify for a pension. This period is based on the term of office of a member of the International Court of Justice, but for a member of the Tribunal would represent two and a quarter terms. A proportional amount may be more appropriate, namely, that the pension entitlement of a member of the Tribunal who has served a full four-year term should be $20,000 and that the pension of a member who has been re-elected should be increased by an additional $150 per month for each further month of service, up to a maximum of $30,000 a year. In the event of the death of a member of the Tribunal, survivors would be compensated in the form of a lump-sum payment equal to one month's base salary for each year of service, subject to a minimum of one month and a maximum of four months. With regard to relocation allowance upon completion of service, a member of the Tribunal who maintains a bona fide residence at The Hague for at least three continuous years during service with the Tribunal should receive a lump sum equal to 12 weeks of net salary on completion of appointment and resettlement outside the Netherlands. A member who completes four continuous years or more of eligibility shall receive the equivalent of 16 weeks of annual net base salary.

9. Adjustments in the conditions of service and compensation for members of the International Court of Justice are being proposed at the forty-eighth session of the General Assembly. In the event that the Assembly approves changes in these elements, such changes should also apply to the members of the Tribunal.

Notes

1/ A/47/980, paras. 3 and 4.

2/ S/25704, annex.

3/ A/C.5/45/44.

4/ See Official Records of the General Assembly, Forty-fifth Session, Supplement No. 7 (A/45/7 and Add.1-14), document A/45/7/Add.10.